

RIC 2002

SESSION W13

CURRENT EMERGENT BUSINESS TOPICS

FEES

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TWO MAJOR LAWS GOVERN NRC FEES

- INDEPENDENT OFFICES APPROPRIATION ACT (IOAA) (1952) – **PART 170**
 - Fees should recover agency's costs of providing any service or thing of value to identifiable recipients
 - Each charge should be fair and based on the costs of providing the service
 - Omnibus Budget Reconciliation Act of 1990 requires NRC to assess IOAA fees
- OMNIBUS BUDGET RECONCILIATION ACT (OBRA) (1990) AND AMENDMENT -- **PART 171**
 - Requires NRC to recover most of its budget authority through IOAA and annual fees (96 percent for FY 2002)
 - Annual fees are to be assessed to licensees to recover costs not recovered through IOAA fees
 - Aggregate amount of charges must be fairly and equitably allocated among licensees or classes of licensees
 - Annual fees should, to the maximum extent practicable, reasonably reflect the costs of providing services to the licensees or classes of licensees
 - Licensees who require greatest expenditure of NRC resources should pay the greatest annual charge

EXEMPTIONS FROM FEE REQUIREMENTS

- FEDERAL AGENCIES, EXCEPT TVA REACTORS, ARE EXEMPT BY LAW FROM PART 170 FEES
- NRC GRANTS OTHER FEE EXEMPTIONS FOR POLICY REASONS:
 - Nonprofit educational institutions, based on the “public good” as defined in economic theory
 - Performance assessments or evaluations for which the licensee volunteers at NRC’s request and that are selected by the NRC
 - Requests or reports submitted to the NRC:
 - in response to a Generic Letter or NRC Bulletin that does not result in an amendment, does not result in the review of an alternate method or re-analysis to meet the requirements of the Generic Letter, or does not involve an unreviewed safety issue;
 - in response to an NRC request (Associate Office Director or above) to resolve an identified safety, safeguards, or environmental issue, or to assist NRC in developing a rule, regulatory guide, policy statement, generic letter, or bulletin; or
 - as a means of exchanging information between industry organizations and the NRC for the purpose of supporting NRC’s generic regulatory improvements or efforts.
 - The Commission may grant other exemptions as it determines are authorized by law and are otherwise in the public interest

ECONOMIC CONSIDERATIONS

- NRC's fees are established to recover amount of NRC's budget as required by OBRA-90
 - NRC's budget requests are reviewed by OMB and Congress prior to approval
- Fees are not established or assessed based on the applicant's or licensee's ability to pay
- Performance measures and cost benefit analyses are not part of the fee-setting process